



Migrant Justice
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To the members of the House Committee on Agriculture, Food Resiliency, and Forestry:

I am testifying on behalf of Migrant Justice, a Vermont-based human rights organization founded and led by immigrant farmworkers. For the past 15 years, Migrant Justice has advocated for expanded rights and improved conditions for the immigrant farmworker community. In 2018, Migrant Justice created the Milk with Dignity Program, a worker-driven human rights initiative that supports farms and farmworkers through supply chain agreements with dairy corporations.

1. Labor conditions in the dairy industry

We will focus our testimony on conditions experienced by immigrant workers on the state's dairy farms. While not representative of the entire agricultural workforce, immigrant dairy workers sustain the state's agricultural economy. Vermont's dairy industry accounts for the majority of all agricultural income in the state, and farms employing immigrant workers account for the vast majority of dairy production in the state.

We estimate that immigrant workers account for approximately 80% of hired, non-family employees in the dairy industry, about 1,000 workers around the state. That percentage is even higher in the lowest-paid roles of milker, pusher, feeder, and calf care. If you go into any dairy barn or milking parlor in the state – if that farm is large enough to employ non-family labor – chances are that you will find immigrant workers

What we see for this workforce is a “tale of two dairy industries.” While on farms in the Milk with Dignity Program, great strides are being made, outside the Program, farmworkers labor long hours for low pay, often in unsafe and discriminatory working conditions, and live in inadequate and sometimes inhumane housing.

With the support of the University of Massachusetts Amherst Labor Center, Migrant Justice developed a comprehensive questionnaire covering wages, hours, health and safety, housing, and treatment on the farm. Over the spring and summer of 2024, current and former farmworkers fanned out across Vermont, conducting hour-long surveys with 212 workers in their homes, on the farm, and at community assemblies. Results from the survey include:

- **Wages:** 87% of workers made below the minimum wage, with the median wage of \$11.67 a full \$2/hour below Vermont's state minimum at the time. Approximately 20% have had pay illegally withheld, while one-third of workers do not receive pay stubs.
- **Hours and Leave:** More than half of respondents worked at least 12 hours per day, with more than one-quarter working seven days per week. 76% lack paid holidays, 61% lack paid vacations, and 53% don't receive paid sick leave. One in four workers don't have 8 consecutive hours of rest in a day, and one in five can't take time off if injured or sick.
- **Discrimination:** 53% of workers reported experiencing discrimination in the workplace, with most reporting discrimination based on language and country of origin. 15% reported being insulted or verbally abused by an employer or supervisor. Reports of physical violence against workers are pervasive throughout the industry.
- **Housing:** 82% of workers reported issues with employer-provided housing. Common issues include housing safety concerns, pest infestations and mold, broken appliances and fixtures, insufficient heating and insulation, and workers sharing beds or sleeping in common spaces due to overcrowding.
- **Health and safety:** 77% of respondents had suffered work-related injury or illness. Common dangers include being struck or crushed by cows, falling on slippery floors, and exposure to chemicals, resulting in broken bones, sprains, rashes, nosebleeds, and more. Two-thirds of workers did not receive training from an employer or supervisor, over half do not have access to a first-aid kit, and majorities lack access to personal protective equipment such as masks, goggles, and eye wash stations.

While shocking, these conditions are not new. The results show continuity with a 2014 survey across most metrics. This is the most comprehensive and methodologically-sound data on labor conditions in the dairy industry in Vermont. These statistics demonstrate the critical role of farmworker-led interventions like Milk with Dignity. Without the Program's essential elements, the dairy industry remains unwilling to provide the dignified working and living conditions that farmworkers deserve.

2. Milk with Dignity

Before talking about H.403, we want to share a bit more about Milk with Dignity. Inside the Milk with Dignity Program, a new story is being written. To create the Program, farmworkers developed a Code of Conduct that set standards for wages, scheduling, health and safety, and housing, as well as protections against discrimination, harassment, violence, and unjust firings. Workers also created the Milk with Dignity Standards Council (MDSC), a nonprofit third-party auditor, to objectively monitor farms' compliance with the standards in the Code.

Companies join Milk with Dignity by signing contracts committing to source from dairy farms enrolled in the Program. They also commit to pay those participating farms a premium to incentivize their participation in the Program and subsidize the costs of compliance with the Code of Conduct.

When a farm enrolls in Milk with Dignity, it agrees to change labor and housing conditions as needed to meet the Code's standards. Employers and employees on participating farms attend regular education sessions conducted by Migrant Justice on the rights guaranteed by the Program and how workers can enforce those rights.

Workers have access to a 24/7 support line, with strong protections against retaliation. MDSC promptly investigates complaints and collaborates with farmers and workers to achieve speedy resolutions to Code violations. MDSC also conducts regular farm audits by inspecting worksites and housing units, and interviewing workers and managers, to create a holistic assessment of the farm's Code compliance, resulting in individualized "Corrective Action Plans."

These mutually reinforcing mechanisms allow MDSC to both understand the complex realities that workers and farms experience and craft appropriate corrective measures for participating farms. As full compliance is the ultimate goal of the Program, MDSC works collaboratively with farms to create plans and timelines that reflect each farm's unique circumstances. However, if farms are consistently unwilling to make the necessary adjustments to meet Code standards, they will face suspension from the Program and the resulting market consequences. While suspended, farms lose purchase preference and the Premium paid by participating buyers.

Workers on Milk with Dignity-enrolled farms have seen life-changing improvements to their labor conditions, wages, and benefits, as well as health and safety protections found nowhere else in the nation's dairy industry. Through partnerships with state and local governments and nonprofit organizations, farms have been able to build new housing units for workers long denied dignified living conditions. By calling the 24-hour support line, workers have been able to prevent or remediate instances of physical violence commonly unaddressed on farms outside the Milk with Dignity Program. Farmers who joined this program eight years ago are familiar with their responsibilities to workers and reach out to preempt violations of labor rights before they happen. And Milk with Dignity is tackling the pernicious issue of child labor in agriculture by working with farmers and supporting farmworker families to keep young people out of prohibited employment.

Additional indicators of the impact of the Milk with Dignity Program include:

- 256 qualifying workers on 54 participating farms
- 20% of Vermont's total dairy production covered by the Program
- \$5.35 million invested in workers' wages and bonuses and in improvements to labor and housing conditions
- 1,611 inquiries from workers and farmers on the 24/7 Worker Support Line
- 611 violations of the farmworker-authored Code of Conduct resolved following worker complaints
- 212 farm audits, including 941 farmworker interviews, 315 management interviews, 268 worksite inspections, and 218 housing unit inspections
- 2,281 audit findings addressed through Corrective Action Plans agreed to by farmers

- 247 Program education sessions, with 1,291 worker and manager participants

More information on the Milk with Dignity Program can be found on the Migrant Justice website.

3. Recommendations to the committee

The conditions prevalent in the dairy industry demonstrate the urgent need for change. The successes of the Milk with Dignity Program show that change is possible and already underway. Taking these lessons into consideration, we share the following recommendations regarding H.403.

a. Minimum wage

We support the bill's provision in Section 2 expanding the state's minimum wage to agricultural workers.

Agricultural workers are currently excluded from Vermont's minimum wage. In 2024, the median wage for immigrant dairy workers in the state was \$11.67, a full \$2/hr below the state minimum wage at the time of \$13.67. There is no indication that the situation has changed since then. Endemically low wages compel farmworkers to endure chronically long hours and unsafe conditions.

It has been suggested that employer-provided housing be considered non-monetary compensation for farmworkers. Given the conditions of much farmworker housing, however, the market rate of these units would be zero. On many farms, if the housing were not occupied by farmworkers, it would not be otherwise occupied. Furthermore, housing under the H2A visa program is not counted as non-monetary compensation, even as farms pay well over the state minimum wage.

Vermont law does provide for reasonable deductions for room and board for workers in other sectors, and the same law would apply under H.403's new regulations; however, the law is clear that these deductions cannot bring the wage below the state's minimum.

b. Overtime

We would like to communicate qualified support for the bill's provision in Section 3 expanding overtime protections to agricultural workers.

As you heard, immigrant dairy workers work long hours. More than half work twelve hours a day or more. A quarter work seven days a week, and 95% work at least six days a week. Workers generally average 60-80 hours per week.

It is outrageous that this labor is not remunerated at overtime rates of time and a half. We support the move towards expanding overtime protections, but we have serious concerns about codifying

into statute a 60-hour week standard. Creating a two-tier system – recognizing a 40-hour week for some and 60-hour week for others – not only deprives agricultural workers of the compensation they deserve; it could also weaken protections for other workers going forward.

If the committee considers expanding overtime protections to agricultural workers, we would recommend using the same 40-hour workweek that has been standard for the majority of the workforce for nearly a century. If, however, the committee is not inclined to move in that direction, we would at least suggest a phased approach like that underway in New York state, which began with a 60-hour threshold and is steadily lowering the threshold to arrive at 40 hours by 2032.

We also want to communicate our concern about enforcement. Were these protections to be put in place, we would have questions about the state's ability to ensure compliance. In other states and with other low-wage and underregulated industries, we have seen a number of tactics used by employers to avoid paying overtime rates (for example, setting up secondary corporations to divide employee hours between two sets of books).

In sum, we support the intention behind Section 3 but would like to see the protections go further.

c. Housing

Concerns about compliance bring us to Section 4. Migrant Justice also supports the intention behind Section 4, to improve housing conditions for farmworkers.

As you heard in our testimony, there are grave and systemic problems with farmworker housing in this state. Vermont has taken some steps in recent years to invest in improvements to farmworkers housing. Funds appropriated to VHCB and distributed through Champlain Housing Trust have made an impact and resulted in the rehabilitation and replacement of a number of housing units.

But as this bill recognizes, investments are not a replacement for code enforcement. The state needs to get serious about ensuring that farms comply with Vermont's housing code. However, we are concerned that the proposed mechanism – empowering the Agency of Agriculture to conduct inspections and refer surveys to the Division of Fire Safety – would not achieve the desired results.

We have spent years building trust within the immigrant farmworker community and know the time and careful work required to achieve participation of workers and their families. We do not believe that the Agency would be capable of securing worker participation without fear of reprisal or retaliation, and that the inspections would not be effective

We would recommend as an alternative a co-enforcement model, whereby the state would contract the Milk with Dignity Standards Council to perform the farm housing inspections. This team of dedicated auditors has nearly a decade of experience successfully carrying out housing

inspections and working with employers to make necessary changes to achieve housing compliance.

d. Support for Milk with Dignity

Finally, we would like to raise an additional tool that the legislature has to improve labor and housing conditions for farmworkers in Vermont, by supporting expansion of the Milk with Dignity Program.

Milk with Dignity has been a proven success for the dairy industry, bringing millions of dollars in investments to dairy farms in the state and dramatically improving labor and housing conditions for dairy workers. Opportunities exist for the state government to support the expansion of this Program.

- i. **Procurement:** The Vermont state government can use its power as a direct buyer of dairy products to incentivize farm enrollment in Milk with Dignity. Procurement contracts for dairy products could be amended to include purchase preference for suppliers participating in the Program. Furthermore, the state could incentivize procurement of dairy products from Milk with Dignity farms by K-12 schools, through a process similar to the Local Food Purchasing Incentive (2021's Act 67).
- ii. **State subsidies:** A 2021 report by the State Auditor found that from FY 2010 to 2019, "Vermont spent more than \$285 million on programs and policies that support the dairy industry and/or address detrimental environmental impacts of dairy farming. In FY19, the most recent year of our analysis, spending totaled \$35 million." Unfortunately, these subsidies support many farms engaged in substandard employment practices. The committee could explore mechanisms for the state to use taxpayer money to improve labor conditions; for example, the legislature could condition receipt of certain subsidies on a farm's participation in Milk with Dignity and/or could incentivize Program enrollment by provision of additional premiums to participating farms.

In sum, we would like to conclude with the recommendation that this committee explore opportunities for state government support for expansion of Milk with Dignity through the procurement of dairy products and the provision of agricultural subsidies.

Thank you,

Sincerely,



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